

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8436 of 1995

KAMLABEN JASHBHAI PATEL & OTHERS

Versus

COMPETENT OFFICER & DY COLLECTOR

Appearance:

MR MC BHATT for Petitioners

MR MUKESH PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. I may merely observe from the state of the record of the present petition that the impugned order which was

an order passed in an appeal under section 33 of the Act of 1976, remanded the matter back to the Competent Authority with a direction to issue a fresh final statement under section 9 of the said Act. This order was dated 18th March, 1995. The perawise remarks supplied to learned counsel for the respondents indicate that a notification under section 10(1) was published on 31st August, 1995. However, this Court granted ad interim relief in this petition on 28th September, 1995 directing the status quo to be maintained with respect to the subject matter of this petition to be maintained by both sides. It would therefore appear that no notification under section 10(3) had been published or consequential proceedings taken. It would therefore appear that the petitioners are in possession of the property in question. It is clarified that these are mere observations on the basis of the record of the present petition and are not to be construed as findings of fact recorded on any factual controversy between the parties.

(Y.B. BHATT, J.)

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